

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

GREEN RUSH, LLC, d/b/a XHALE CITY

Plaintiff,

V.

XHAIL LLC and NAYEF HASSAN,

Defendants.

Case No.: 3:24-CV-00338-GTS-ML

ENTRY OF CONSENT JUDGMENT AND INJUNCTION
AND ORDER OF DISMISSAL

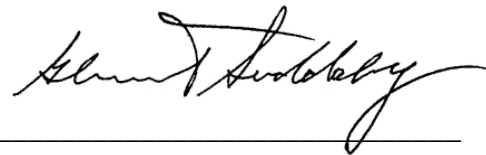
Plaintiff Green Rush, LLC, d/b/a Xhale City (“Green Rush”) and Defendants Xhail LLC and Nayef Hassan (collectively the “Xhail Parties”), having conferred and agreed, judgment is hereby entered and the Xhail Parties are hereby enjoined as follows:

1. The Xhail Parties and all persons and entities controlling, controlled by, or acting in concert with the Xhail Parties will within 30 days discontinue any and all uses of XHALE, XHALE CITY, and any other names or marks substantially similar to the XHALE CITY mark, including any mark containing any term pronounced as “exhale,” whether alone or in conjunction with any other matter, in connection with the manufacture, packaging, labeling or offering of any goods or services, including without limitation all uses on products, product packages and product labels; in marketing or advertising materials, websites, newspaper advertisements, television advertisements, radio advertisements, Internet advertisements, domain names, social media accounts, metatags, ALT text and search engine keywords; in

handbills, brochures, business cards, stationery, and invoices; and in any and all other materials, whether printed, electronic or in any other medium;

2. The Xhail Parties shall not assist, aid, or abet any other person or business entity in engaging in or performing any of the activities referred to in paragraphs 1 and 2 above; and
3. Xhail, Hassan, and their agents, servants and employees, and all other persons and entities acting by or through or in concert or participation with any of the foregoing, shall not seek to cancel or otherwise challenge the validity or Green Rush's ownership of U.S. Trademark Registration No. 5,040,262 or any other registration owned by Green Rush or a Green Rush-related entity for a trademark containing the word XHALE, and shall not assist in any effort by any other person or entity seeking to cancel or otherwise challenge the validity or Green Rush's ownership of such trademarks, either alone or in combination with any other matter.

All claims in this action are hereby dismissed with prejudice. Each side shall bear its own costs in this dismissed action. The Court shall retain jurisdiction for the purpose of enforcing compliance or contempt proceedings arising from this Consent Judgment and Injunction. Based on the consent reflected below by the signatures of counsel for the parties, it is so ORDERED this 30th day of September, 2024.

A handwritten signature in black ink, appearing to read "Glenn T. Suddaby", written over a horizontal line.

The Honorable Glenn T. Suddaby
United States District Court Judge

Respectfully submitted this 18th day of September, 2024.

/s/ Amanda G. Hyland
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NAYEF HASSAN*